



Basic Guide to Visa Options for Foreign National Employees



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Introduction

This booklet provides a brief overview of some of the most common nonimmigrant visa options for U.S. work authorization for foreign national professionals.

Nonimmigrant visas can be used by company founders, executives, managers, or professional workers, and they are distinct from immigrant visas ("green cards"). Specifically, nonimmigrant visas are awarded by the United States Citizenship and Immigration Services ("USCIS") to provide work authorization to foreign nationals for employment with specific sponsors/companies and durations. Foreign nationals may have different nonimmigrant visas options available to them based on their professional background and/or nationality.

The information presented in this document outlines some of the qualifying criteria for U.S. immigration benefits and is intended as a primer for readers. It does not constitute legal advice, nor should it take the place of seeking advice from independent legal counsel. Immigration laws and policies are complex and subject to change on short notice. We strongly recommend consulting immigration professionals before taking any action on the issues discussed here in order to ensure that you have the most current and applicable information available.



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H-1B Professional Worker

The H-1B visa is one of the most common types of nonimmigrant work visas for foreign professional workers. It allows U.S. businesses to employ professional foreign national workers in specialty occupations. A specialty occupation is one which requires, at a minimum, (1) the theoretical and practical application of a body of highly specialized knowledge and (2) a Bachelor's degree or higher in a specific field. For example, positions in engineering, mathematics, business specialties, accounting, law, and architecture are specialty occupations.

Eligibility

For a prospective employee to perform work inside the U.S. on an H-1B visa, a U.S. employer must file an H-1B petition with the USCIS. An employer is defined as an entity that engages a person to work within the U.S. and maintains an employer-employee relationship under which it may hire, pay, fire, and supervise the employee or otherwise control the work he or she performs.

The employee must have the correct background and required matching degree (bachelor's or higher), except in rare circumstances where they may be able to qualify based on years of qualifying experience (3 years of professional experience would equate to one year of education).

Lastly, the job itself must also meet certain requirements. A bachelor's degree or higher must be the minimum requirement for the position within the industry. In addition, the position must pay at or above the prevailing wage in the local geographic area for a similar role.

Approval Period

- Initial approval: up to 3 years
- Extensions: 3-year increments
- Maximum period of stay in H-1B time: 6 years
 - Extensions beyond the maximally allowed 6 year period of stay in H-1B status are possible but will depend on whether the employee is in his/her permanent residence (green card) process.

Dependents

The spouse of the H-1B worker, as well as any children under 21 years of age, are eligible for a dependent H-4 visa. The H-4 status is reliant on the principal H-1B maintaining valid H-1B status at all times. H-4 family members are able to study in the U.S. but are generally not permitted to engage in any form of employment. In certain cases, where the H-1B visa holder has reached certain milestones in the green card process, dependent spouses with H-4 visas may apply for work authorization.

Costs

USCIS filing fees: \$460 for base filing fee, \$500 for anti-fraud fee, \$750/\$1,500 for H-1B training fee.
Ancillary costs: government expedite fees, degree evaluations and translation fees (if applicable).

Special considerations for H-1Bs

Filing for a brand-new H-1B visa

Foreign nationals who have never held H-1B visa status are subject to the annual numerical cap on H-1B visas. In recent years, H-1B visa demand has consistently and significantly outpaced supply. As a result, cap-subject H-1B petitions are randomly selected for processing by an annual computerized lottery, and must thus be filed during a specific period every year: the first five (5) business days of April. Timing and luck are therefore critical for first-time H-1B beneficiaries. Ideally, preparation should begin in January of the application year or earlier. Note that if selected in the lottery, the earliest possible date that the beneficiary could begin working on the H-1B will be on October 1 of that given year.

TN NAFTA Professional Worker

The TN visa is a nonimmigrant work visa available for citizens of Canada and Mexico. Like the H-1B visa, it allows employers to temporarily employ professional foreign national workers. The candidate must practice one of a number of professions specified as qualifying under the North American Free Trade Agreement (NAFTA). While Canadian citizens may apply for TN status directly at any U.S. Port of Entry, Mexican citizens must file their applications at a U.S. consular post.

Eligibility

Generally, only a U.S. employer may offer a qualifying position of employment to a TN employee. This employer must be able to furnish an offer of employment to the employee, which is to be presented by the foreign national upon application for the TN visa.

The prospective TN employee must be a citizen of either Canada or Mexico. (Permanent residents of these countries are excluded from eligibility.) The applicant must be entering the United States with the intent to temporarily take up a position of full-time or part-time employment with a U.S. employer. Self-employment does not qualify foreign nationals for TN eligibility.

The proposed position of employment must fall within one of the professions listed at Appendix 1603.D.1 of NAFTA. Additionally, eligible applicants must possess the necessary qualifications for the practice of this profession, which are also listed in the agreement. The minimum qualification is typically a bachelor's degree in a field directly related to the profession or a specific license or credential for practicing that profession.

Approval Period

- Initial approval: up to 3 years
- Extensions: 3-year increments
- No limit on the overall period of stay

Dependents

The spouse of the TN employee, as well as any unmarried children under 21 years of age, may accompany the principal visa holder in dependent TD visa status. Dependents do not have to be citizens of Mexico or Canada. TD family members are allowed to study in the U.S. but are not permitted to engage in any form of employment.

Costs

CBP Fee (Canadian nationals): \$50 (\$56 when entering by car); Filing Fee with U.S. Consular Post (for Mexican nationals): \$160; USCIS Fee (for filings in the U.S. and extensions and changes of status): \$460.

Ancillary costs: government expedite fees, degree evaluations and translation fees (if applicable).

E-3 Australian Professional Worker

The E-3 visa classification is a nonimmigrant work visa only available to citizens of Australia. It allows U.S. businesses to employ professional Australian workers in specialty occupations. As is the case with H-1B visas, a specialty occupation is one requiring, at a minimum, the theoretical and practical application of a body of knowledge within a professional field and a bachelor's degree (or its equivalent) relevant to the position.

Eligibility

A U.S. employer may file an E-3 petition on behalf of a prospective Australian national. An employer is defined as an entity that engages a person to work within the U.S. and maintains an employer-employee relationship under which it may hire, pay, fire, and supervise the employee or otherwise control the work he or she performs.

Only citizens of Australia are eligible to apply for E-3 visa status. The foreign employee must possess the necessary qualifications for the practice of a specialty profession, which typically includes the possession of a bachelor's degree (or equivalent qualifying experience) or a license or certification issued by a state institution for the practice of the specific occupation.

The proposed position of employment must qualify as that of a specialty occupation. As outlined above, the most basic criteria for a position's qualification as a specialty occupation is its requirement of a bachelor's degree (or an equivalent) or its similarity with other positions that do require such degrees. In addition, the proposed position must pay a wage equal to or above the prevailing wage for similar roles in the industry and region.

Approval Period

- Initial approval: up to 2 years
- Extensions: 2-year increments
- No limit on the overall period of stay

Dependents

The spouse of the E-3 employee, as well as any unmarried children under 21 years of age, may accompany the principal visa holder. Upon approval of the principal E-3 application, dependents also receive E-3 classification. These dependents do not have to be citizens of Australia. E-3 spouses are permitted to work in the United States, while dependent children are not.

Costs

USCIS Filing Fee: \$460; Filing Fee with U.S. Consular Post (not applicable for extension/change of status): \$205.

Ancillary costs: government expedite fees, degree evaluations and translation fees (if applicable).

O-1 Person of Extraordinary Ability

The O-1 visa is a nonimmigrant work visa reserved for those who have distinguished themselves through extraordinary achievements in the areas of science, art, education, business, or athletics. It allows foreign nationals with demonstrated national or international recognition in these fields to work in the United States for a short-term basis. Foreign nationals in science, education, business, or athletics receive O-1A visas, while those in the arts or in the motion picture and television industry receive O-1B visas.

Eligibility

The O-1 petitioner has to be a U.S. business/organization, or a U.S. citizen/permanent resident agent. Although most O-1 visa beneficiaries typically work as part-time or full-time employees of a company, they sometimes may also work on an itinerary of events as independent contractors. In the latter scenario, a U.S. citizen or permanent resident who has agreed to sponsor the beneficiary may serve as the agent of the foreign national.

As stated, the qualifying O-1 worker must possess extraordinary ability in his or her field of work. This typically entails that his or her work has been recognized nationally or internationally. Such forms of recognition must show that the individual has distinguished himself from others in his field, i.e. that the beneficiary belongs to a small percentage of individuals whose work exhibit a level of quality far in excess of what is ordinarily encountered among peers.

The qualifying position of employment must fall within the area of extraordinary ability possessed by the beneficiary. If the beneficiary is self-employed, this term of employment must consist of an itinerary of events arranged and agreed upon in advance.

Approval Period

- Initial approval: conditioned upon length of employment or itinerary, for up to 3 years
- Extensions: 1-year increments (3-year increments are possible in certain situations)
- No limit on the overall period of stay

Dependents

The spouse of the O-1 beneficiary, as well as any unmarried children under 21 years of age, may accompany the principal visa holder in O-3 status. O-3 family members are permitted to study in the U.S. but are not able to engage in any form of employment.

Costs

USCIS Filing Fee: \$460; Filing Fee with U.S. Consular Post (not applicable for extensions/changes of status): \$190.

Ancillary costs: government expedite fees, degree evaluations and translation fees (if applicable).

L-1A Multinational Executive/Manager

The L-1A visa is a nonimmigrant work visa available to the executive or managerial employees of foreign companies doing business in the United States. The L-1A visa allows a U.S. company to transfer these employees to its offices from subsidiaries, affiliates, or branch offices abroad. It also permits a foreign company to send executives and managers to the United States to help establish new business entities.

Eligibility

A U.S. employer may file a petition on behalf of an L-1 transferee. This petitioning agency must be either an affiliate, sister company, parent, or subsidiary of the foreign firm from which the foreign national is prospectively transferring. The foreign company must remain real and operating for the duration of the visa status. In the case of the establishment of a new office, the employer must have bought or leased sufficient space for its operation before the submission of the petition.

To qualify for the L-1A, the employee must have worked for the foreign company abroad for at least one year out of the prior three years in an executive or managerial role.

The proposed U.S. position should normally be consistent with the transferee's previous role and the individual who worked as managers or executives abroad generally assume the same managerial or executive roles at the U.S. firm. Note that this is not always required.

Approval Period

- Initial approval: up to 3 years (for companies with an established business in the U.S.), limited to 1 year (for companies who are opening its first office in the U.S.)
- Extensions: 2-year increments
- Maximum period of stay in L-1A status: 7 years
 - Note that many in L-1A status take advantage of the Green Card category that exists for multinational executives and managers (EB-1C)

Dependents

The spouse of the L-1 beneficiary, as well as any unmarried children under 21 years of age, may accompany the principal visa holder. Upon demonstration of a genuine spousal or familial relationship, they are admitted to the United States in L-2 status. L-2 spouses are permitted to work in the United States, while dependent children are not.

Costs

USCIS Filing Fee: \$460; Anti-Fraud Fee: \$500; Filing Fee with U.S. Consular Post: \$190.

Ancillary costs: government expedite fees, degree evaluations and translation fees (if applicable).

L-1B Specialized Knowledge Employee

The L-1B visa is a nonimmigrant work visa available to the specialized knowledge employees of foreign companies doing business in the United States. Like the L-1A, the L-1B visa allows a U.S. company to transfer these employees to its offices from subsidiaries, affiliates, or branch offices abroad. The prospective L-1B transferee must possess specialized knowledge related to the position of employment.

Eligibility

A U.S. employer may file a petition on behalf of an L-1 transferee. This petitioning agency must be either an affiliate, sister company, parent, or subsidiary of the foreign firm from which the foreign national is prospectively transferring. The foreign company must remain real and operating for the duration of the visa status. In the case of the establishment of a new office, the employer must have bought or leased sufficient space for its operation before the submission of the petition.

To qualify for the L-1B, the employee must have worked for the affiliated company abroad in a specialized knowledge capacity for at least one out of the last three years. Specialized knowledge is defined as knowledge of the petitioning organization's products, services, research, equipment, techniques, or other proprietary interests and their applications in international markets, or complimentarily, as an advanced level of knowledge of the organization's internal processes and procedures.

Both the foreign and proposed U.S. roles must evidence that they require (or have required) the specific form(s) of specialized knowledge that the employee possesses.

Approval Period

- Initial approval: up to 3 years (for companies with an established business in the U.S.), limited to 1 year (for companies who are opening its first office in the U.S.)
- Extensions: 2-year increments
- Maximum period of stay in L-1B status: 5 years
 - The EB-1C Green Card category referenced in the L-1A section does not apply for those in L-1B status although other Green Card options may be available

Dependents

The spouse of the L-1 beneficiary, as well as any unmarried children under 21 years of age, may accompany the principal visa holder in L-2 status. L-2 spouses are permitted to work in the U.S.

Costs

USCIS Filing Fee: \$460; Fraud Fee: \$500; Filing Fee with U.S. Consular Post: \$190

Ancillary costs: government expedite fees, degree evaluations and translation fees (if applicable).

E-2 Treaty Investor, Executive/Supervisor, or Essential Employee

The E-2 is a nonimmigrant visa available to business people from foreign countries that maintain qualifying trade treaties with the United States. It allows foreign investors to enter the U.S. to direct and aid in the development of new businesses. E-2 status may also be granted to executives or essential employees whose work is central to the development of the organization.

Eligibility

To qualify for E-2 visa classification, the petitioning U.S. business must be majority owned by nationals of the treaty country. Control is also a key element. See complete list of currently qualifying countries below. The U.S. company must be real and operating. The funds invested in the business must be substantial and must be used to finance business operations that will yield more than marginal returns.

The individual owner or employee seeking to enter the U.S. must have the same nationality as the majority nationality listed for the petitioning company. The foreign national may be an investor, an executive or supervisor, or an essential employee of the petitioning firm. If the beneficiary is an employee of the company, the owners of the company must already be maintaining nonimmigrant treaty investor status or must at least be eligible themselves. As the beneficiary of a temporary work visa, the E-2 visa holder is required to maintain intent to return to his or her home country at the end of the period of authorized employment.

Approval Period

- Initial approval: 2 years
- Extensions: 2-year increments
- No limit on the overall period of stay

Dependents

The spouse of the E-2 employee, as well as any unmarried children under 21 years of age, may accompany the principal visa holder. Upon approval of the principal E-2 petition, they also receive E-2 classification. E-2 spouses are permitted to work in the United States, while dependent children are not.

Costs

Filing Fee with U.S. Consular Post: \$205.

Ancillary costs: government expedite fees, degree evaluations and translation fees (if applicable).

Special Considerations for E-2s

The following countries hold investor treaties with the United States as of the publication date of this guide:

- Albania
- Argentina
- Armenia
- Australia
- Austria
- Azerbaijan
- Bahrain
- Bangladesh
- Belgium
- Bolivia
- Bosnia and Herzegovina
- Bulgaria
- Cameroon
- Canada
- Chile
- China (Taiwan)
- Colombia
- Congo (Brazzaville)
- Congo (Kinshasa)
- Costa Rica
- Croatia
- Czech Republic
- Denmark
- Ecuador
- Egypt
- Estonia
- Ethiopia
- Finland
- France
- Georgia
- Germany
- Grenada
- Honduras
- Iran
- Ireland
- Italy
- Jamaica
- Japan
- Jordan
- Kazakhstan
- Kosovo
- Kyrgyzstan
- Latvia
- Liberia
- Lithuania
- Luxembourg
- Macedonia
- Mexico
- Moldova
- Mongolia
- Montenegro
- Morocco
- Netherlands
- New Zealand
- Norway
- Oman
- Pakistan
- Panama
- Paraguay
- Philippines
- Poland
- Romania
- Serbia
- Senegal
- Singapore
- Slovak Republic
- Slovenia
- Spain
- Sri Lanka
- Suriname
- Sweden
- Switzerland
- Thailand
- Togo
- Trinidad & Tobago
- Tunisia
- Turkey
- Ukraine
- United Kingdom
- Yugoslavia

J-1 Intern/Trainee

The J-1 nonimmigrant visa within the corporate immigration context is available to individuals participating in intern/trainee programs in the United States. The visa aims to allow foreign nationals to acquire knowledge and develop skills which they can later utilize to the benefit of their home countries.

Eligibility

Private employers or other organizations seeking to obtain J-1 visas for foreign nationals typically make use of existing, third-party "umbrella programs," which have been pre-authorized by the Department of State. The employers/organizations themselves would be considered "host companies."

Eligible beneficiaries of J-1 visa status seeking employment under an exchange program must be either trainees or interns. A trainee participates in a work-based training program and must possess (1) a college degree or professional certification and at least one year of related work experience OR (2) five years of work experience in his or her occupational field. An intern performs a pre-defined function within a sponsoring firm and must currently be enrolled in an academic institution outside of the U.S. or have recently graduated from one. Eligibility for specific programs vary depending on the sponsoring organization and the nature of the program. Applicants must be able to speak English and are required to maintain intent to return to their home countries at the end of the exchange program.

Authorized training and internship programs must include activities aimed at providing the foreign national with skills and knowledge that he or she can utilize upon return to his or her home country. The program must be full-time (at least 32 hours per week).

Approval Period

- Initial approval: up to 18 months (trainees), up to 12 months (interns)
- Extensions: available up to above-listed maximum time limits generally; limited exceptions.
- Special note: some J-1s are subject to a two-year home residency after completion of J-1.

Dependents

The spouse of the J-1 beneficiary, as well as any unmarried children under 21 years of age, may accompany the principal visa holder. Upon demonstration of a genuine spousal or familial relationship, they receive J-2 visa status. J-2 family members are permitted to work in the United States.

Costs

Filing Fee with U.S. Consular Post: \$160; SEVIS Fee: \$180; Reciprocity Fee (dependent on applicant's nationality).

Ancillary costs: government expedite fees, degree evaluations and translation fees (if applicable).

F-1 Student

The F-1 is the most common nonimmigrant visa type for foreign students seeking to study in the United States. The visa status also affords students the possibility of obtaining practical training with an employer during and after their course of study. There are two types of student visa related work authorization:

1. Curricular Practical Training: Work performed for course credit or as an educational requirement of the course of study is considered curricular practical training ("CPT") – to be arranged by the student and his/her school directly.
2. Optional Practical Training: Work related to the student's course of study but not directly affecting his academic program is considered optional practical training ("OPT") – this is more common and will require the filing for an EAD (employment authorization document) with USCIS.

OPT may be performed before and after completion of a course of study. In the latter case, the student pursuing OPT may extend his/her F-1 visa status for up to a year after the completion of his or her course of study. Students in the fields of science, technology, engineering, and mathematics (STEM) are eligible to receive an additional STEM OPT extension, which adds another 24 months to the initial OPT period.

Eligibility

Employers seeking to hire F-1 students under the conditions of OPT or CPT must be prepared to submit a job offer letter explaining the role and its relation to the student's course of study. In order to qualify their F-1 employee for a STEM OPT extension, the employer must also be an E-Verify system user. Any form of practical training must first be approved by a Designated School Official (DSO), who will determine if the CPT or OPT is sufficiently relevant to the student's course of study.

Approval Period

- Approval period determined by length of the course of study
 - CPT can be pursued during entire course of study
 - One-year full-time CPT eliminates possibility of OPT extension
- Extensions: 1 year (OPT), 3 years (Initial OPT + STEM OPT)
 - Every new degree course of study enables an additional 1 year OPT period.
 - Extensions of approved study periods available upon demonstrated need

Dependents

Dependents may accompany the principal F-1 visa holder under F-2 visa status. F-2 family members are not permitted to work in the United States. The principal visa holder must also demonstrate that he or she has sufficient financial means to support any F-2 dependents.

Costs

Filing Fee with U.S. Consular Post: \$160; SEVIS Fee: \$200; USCIS Fee (for change of status): \$370.

B-1 Business Visitor

The B-1/B-2 visa is by far the most commonly utilized type of nonimmigrant visa. The B-1 allows foreign nationals to travel to the United States for temporary business trips. Business visitors may engage in all sorts of business activities, but are not allowed to perform productive work or work that would normally be considered part of the day-to-day activities of a position of employment. The B-1 visa is often granted as a multi-entry visa, allowing unlimited entry and exit into the United States within the granted validity period.

Eligibility

Eligible B-1 visitors must intend to leave the country after their temporary visit. As such, they must maintain their personal residence outside of the United States for the entire duration of their stay. As a business visitor, the foreign national must also be employed by a firm in his or her country of origin.

Only those activities which are temporary in nature and are not part of an ongoing position of employment based in the United States can be considered eligible B-1 business activities. This could include buying and selling goods, negotiating contracts, participating in seminars and trainings, or meeting with business associates, among others.

Approval Period

- Initial approval: 6-month initial stay
- Extensions: 6-month increments, up to a maximum stay of one year (foreign national must exit and re-enter the U.S. after expiration of approved length of stay);
- Maximum period of stay in B-1 status: determined by the approved validity period, dependent on country of origin.

Dependents

There is no specific visa status available for dependents of B-1 visa holders. Accompanying dependents must apply separately for B-2 visa status.

Costs

Filing Fee with U.S. Consular Post: \$160; USCIS Fee (for changes of status and extensions of stay): \$370.

B-1 In Lieu of H-1B

The B-1 in lieu of H-1B nonimmigrant visa status is a special exemption to the work restrictions of the B-1 visa. This exemption allows foreign professionals working in specialized occupations who would otherwise be eligible for an H-1B visa to perform productive work on a B-1 visa, so long as the work is being performed for the benefit of their foreign employer.

Eligibility

Business visitors working in the U.S. on a B-1 in lieu of H-1B visa status must be employed and compensated by foreign companies during their stay in the United States. Unlike the H-1B, these skilled workers are not allowed to be primarily employed by U.S. firms. Eligible firms must have an office abroad and this office must be the source of the B-1 visitor's compensation.

As under the typical B-1 visa status, B-1 in lieu of H-1B visitors must intend to leave the country after their temporary visit. As such, they must maintain their personal residence outside of the United States for the entire duration of their stay. Like H-1B workers, these foreign nationals must also have the correct background and the appropriate educational qualification (bachelor's degree or higher) for their specialty occupation.

The proposed position of employment must qualify as that of a specialty occupation. As outlined for the H-1B, the most basic criteria for a position's qualification as a specialty occupation is its requirement of a bachelor's degree (or an equivalent) or its similarity with other positions that do require such degrees. In addition, the proposed position must pay a wage equal to or above the prevailing wage for similar roles in the industry and region.

Approval Period

- Initial approval: Six-month initial stay
- Extensions: Six-month increments, up to a maximum stay of one year (foreign national must exit and re-enter the U.S. after expiration of approved length of stay);
- Maximum period of stay in B-1 in lieu of H-1B status: Determined by the approved validity period and country of origin

Dependents

There is no specific visa status available for dependents of B-1 visa holders. Accompanying dependents must apply separately for other visa status.

Costs

Filing Fee with U.S. Consular Post: \$160; USCIS Fee (for changes of status and extensions of stay): \$370.

Appendix 1: Overview of Visa Types

| Category | Description | Basic Attributes | Approval Period |
|---------------------|--------------------------|---|--|
| B-1 | Business Visitors | Temporary stay for business trips; cannot engage in employment or earn compensation in the United States | Six months initially, up to 1-year maximum stay; total validity period determined by country of origin |
| B-1 in Lieu of H-1B | Professionals | Temporary stay for employment in a "specialty occupation" position. | Six months initially, up to 1-year maximum stay; total validity period determined by country of origin |
| E-2 | Treaty Traders/Investors | For citizens of Treaty Countries only; Employer must be at least 50% owned by nationals of Treaty Country | 2 years initially; extensions in 2-year increments without limitation |
| E-3 | Professionals | Australian citizens only; for "specialty occupation" positions, generally requiring at least a U.S. bachelor's degree or equivalent | 2 years initially; extensions in 2-year increments without limitation |
| F-1 | Students | Practical training employment (OPT and CPT); extension for STEM employees; employment must relate to student's course of study | Depends on length of study; 1-year extension for OPT, 3 years for STEM OPT |
| H-1B | Professionals | Subject to annual quota for first time filing, with approvals selected through a lottery; for "specialty occupation" positions, generally requiring at least a U.S. bachelor's degree or equivalent | 3 years initially; extensions in 3-year increments; Maximum 6 years unless certain conditions for extensions are met |
| J-1 | Trainees and Interns | Employment must be in the context of an approved exchange program; | 18 months (trainees), 12 |

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| | | trainees must possess college degree or sufficient work experience; interns must be recent college graduates | months (interns); 2-year home-residency after J-1 completion may be required |
| L-1A/B | Executives, Managers (L-1A) and Specialized Knowledge Workers (L-1B) | Minimum 1 year of employment abroad with a qualifying employer entity (parent, subsidiary, or affiliate as defined by regulation). | Maximum 7 years for L-1A; 5 years for L-1B |
| O-1 | Persons of Extraordinary Ability | Must demonstrate sustained national/international acclaim in sciences, business, arts, education or athletics | 3 years initially; 1 to 3-year extensions, depending on changes to the position, available indefinitely |
| TN | NAFTA Professionals | <i>Mexican or Canadian citizens only;</i> US position must be included in prescribed list of occupations in NAFTA treaty | Maximum 3 year validity periods; extensions available indefinitely |